the camera. In the preferred embodiment, there are several criteria. The first criterion is that the image 500 include at least one object, such as objects 502 and 504, which is close to the camera 110. Preferably, close is defined as a particular distance from the camera 110, such as three feet. A second criterion is that at least one object within the background 558 be near the object or objects 502 and 504 in the foreground 554. In a preferred embodiment, this second criterion is that the focus point of at least one object within the background 556 be within a certain distance from the focus point of an object 502 or 504 in the foreground 554. A third criterion is that the close object or objects occupy a large amount of the image. In one embodiment, the objects 502 and 504 should occupy at least twenty percent of the image 500. A fourth criterion is that the close objects or objects be relatively centered in the image 500.

IN THE CLAIMS:

1. (Amended) A method for capturing an image using an image capture device, the image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the image being associated with a focus zone, method comprising the steps of:

(a) determining if the image matches at least one criteria;

(b) determining whether at least one of the plurality of objects is out of focus if the image matches the at least one criteria;

(c) determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus; and

a10 cont.

(d) shifting the focus zone so that the at least one object is out of focus ~~if at least~~ one of the plurality of subjects is not out of focus.

sub a11 B7

7. (Amended) The method of claim 1 wherein the step of shifting the focus zone (c) further includes the step of:

(d1) shifting the focus zone so that the at least one object is outside of the focus zone if the focus zone can be shifted so that the at least one object is outside of the focus zone.

Please cancel claim 8.

Sub B3

a12

9. (Amended) A method for allowing an image having a center to be captured by an imaging device, the image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the method comprising the steps of:

(a) determining if the image matches a plurality of criteria, the step of determining if the image matches the plurality criteria further including the steps of:

(a1) determining the corresponding distance for each of the plurality of objects;

(a2) categorizing the plurality of objects as being located in a foreground or a background based on the corresponding distance, the image matching a first criteria of the plurality of criteria if a first object in foreground has a first corresponding distance and a second object in the background has a second corresponding distance;

(a3) separating the image into a plurality of zones;

(a4) analyzing the image in each of the plurality of zones to determine an amount of the image which each of the plurality of objects occupies, the image matching a second criteria of the plurality of criteria if the first object occupies a particular amount of the image;

(a5) analyzing the image in each of the plurality of zones to determine if the first object in the foreground is in proximity to the center of the image, the image matching a third criteria of the plurality of criteria if the first object is in proximity to the center of the image;

a1 cont.

(b) determining whether the second object is out of focus if the image matches the at least one criteria;

(c) determining a focus zone;

(d) determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus; and

(e) shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus and if the focus zone can be shifted so that the at least one object is out of focus.

10. (Amended) An image capture device for capturing an image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the image being associated with a focus zone, the image capture device comprising:

means for determining if the image matches at least one criterion;

means for determining whether at least one of the plurality of objects is out of focus if the image matches the at least one criteria;

means for determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus; and

means for shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus.

17. (Amended) The image capture device of claim 16 wherein the means for shifting the focus zone further includes:

means for adjusting the shifting of the focus zone so that the focus zone can be shifted so that at least one object is outside of the focus zone if the at least one of the plurality of subjects is not out of focus.

19. (Amended) A computer-readable medium containing a program for capturing an image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the image being associated with a focus zone, program including instructions for:

determining if the image matches at least one criterion;

determining whether at least one of the plurality of objects is out of focus if the image matches the at least one criterion;

determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus; and

shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus.

22. (Amended) A computer-readable medium containing a program for capturing an image having a center to be captured by an imaging device, the image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the program containing instructions for:

determining if the image matches a plurality of criteria, the instructions for determining if the image matches the plurality criteria further including instruction for:

determining the corresponding distance for each of the plurality of objects;

categorizing the plurality of objects as being located in a foreground or a background based on the corresponding distance, the image matching a first criterion of the plurality of criteria if a first object in foreground has a first corresponding distance and a second object in the background has a second corresponding distance;

separating the image into a plurality of zones;

analyzing the image in each of the plurality of zones to determine an amount of the image which each of the plurality of objects occupies, the image matching a second criterion of the plurality of criteria if the first object occupies a particular amount of the image;

analyzing the image in each of the plurality of zones to determine if the first object in the

foreground is in proximity to the center of the image, the image matching a third criterion of the plurality of criteria if the first object is in proximity to the center of the image;

determining whether the second object is out of focus if the image matches the at least one criterion;

a15 cont.

determining a focus zone;

determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus; and

shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus and if the focus zone can be shifted so that the at least one object is out of focus.

Please add claims:

23. (New) The method of claim 1 further comprising the step of:

a16

(e) adjusting an aperture size to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

24. (New) The method of claim 9 further comprising the step of:

(f) adjusting an aperture size to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

25. (New) The image capture device of claim 10 further comprising:

means for adjusting an aperture size to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

26. (New) The computer-readable medium of claim 19 wherein the program further includes instructions for:

adjusting an aperture size to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

a/b cancl.

27. (New) The computer-readable medium of claim 22 wherein the program further includes instructions for:

adjusting an aperture size to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.